

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>S1509.70037US01</b>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">In re Application of <b>Eric Fossel</b></td> </tr> <tr> <td style="width: 60%; padding: 5px;">Application Number <b>10/590,300-Conf. #7179</b></td> <td style="width: 40%; padding: 5px;">Filed <b>June 21, 2007</b></td> </tr> <tr> <td colspan="2" style="padding: 5px;">For <b>TOPICAL DELIVERY OF A NITRIC OXIDE DONOR TO IMPROVE SKIN APPEARANCE</b></td> </tr> <tr> <td style="padding: 5px;">Art Unit <b>3761</b></td> <td style="padding: 5px;">Examiner <b>I. Y. Treyger</b></td> </tr> </table>			In re Application of <b>Eric Fossel</b>		Application Number <b>10/590,300-Conf. #7179</b>	Filed <b>June 21, 2007</b>	For <b>TOPICAL DELIVERY OF A NITRIC OXIDE DONOR TO IMPROVE SKIN APPEARANCE</b>		Art Unit <b>3761</b>	Examiner <b>I. Y. Treyger</b>
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<p>Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <span style="float: right;">\$ <u>540.00</u></span></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <span style="float: right;">\$ <u>270.00</u></span></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>23/2825</u>.</p> <p><input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p><b>WARNING: INFORMATION ON THIS FORM MAY BECOME PUBLIC. CREDIT CARD INFORMATION SHOULD NOT BE INCLUDED ON THIS FORM. PROVIDE CREDIT CARD INFORMATION AND AUTHORIZATION ON PTO-2038.</b></p> <p>I am the</p> <table style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <input type="checkbox"/> applicant/inventor.   <input type="checkbox"/> assignee of record of the entire interest.                  See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/56)   <input checked="" type="checkbox"/> attorney or agent of record.                  Registration number: <u>52,728</u>   <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.                  Registration number if acting under 37 CFR 1.34. _____             </td> <td style="width: 40%; vertical-align: top; text-align: center;">                   _____                  Signature   <b>Tani Chen, Sc.D.</b>                  _____                  Typed or printed name   <b>617.646.8000</b>                  _____                  Telephone number   <b>My 13 2009</b>                  _____                  Date             </td> </tr> </table> <p><small>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</small></p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			<input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/56)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number: <u>52,728</u>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	 _____ Signature  <b>Tani Chen, Sc.D.</b> _____ Typed or printed name  <b>617.646.8000</b> _____ Telephone number  <b>My 13 2009</b> _____ Date						
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<b>Certificate of Electronic Filing Under 37 CFR 1.8</b>	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(e)(4).	
Dated: <u>5/13/09</u>	Signature: